

The September 23, 2016, FBI electronic communication opened a full investigation into the Alfa-Bank allegations, but let's unpack the first few lines from that document.

The FBI received a referral of information from the US Department of Justice.

The Department of Justice provided the FBI with a white paper that was produced by an anonymous third party.

Well, the information didn't come from the Department of Justice; it came from Sussmann and the Clinton campaign—hardly an anonymous third party since Sussmann himself showed up at the door. By wording it this way, the document almost blesses this so-called white paper. Mind you, the white paper is the false Alfa-Bank information. By the looks of it, this FBI document contains false information.

I fear these recent developments are just the tip of the iceberg. The FBI's exposure to false information and actually using that false information for investigative purposes wreaks of a political vendetta. It points to a "get Trump at all costs" attitude.

Whether Sussmann is convicted or not, the evidence introduced by Durham shows serious government misconduct—misconduct by the Federal Government of the United States of America. Special Counsel Durham can't let government misconduct go unpunished.

I yield the floor.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the Davis nomination.

The senior assistant legislative clerk read the nomination of Stephanie Dawkins Davis, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

VOTE ON DAVIS NOMINATION

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Davis nomination?

Mr. BROWN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Oregon (Mr. MERKLEY), the Senator from Washington (Mrs. MURRAY), and the Senator from Maryland (Mr. VAN HOLLEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. RUBIO), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Arkansas (Mr. BOOZMAN)

would have voted "nay" and the Senator from Oklahoma (Mr. INHOFE) would have voted "nay."

The result was announced—yeas 49, nays 43, as follows:

[Rollcall Vote No. 194 Ex.]

YEAS—49

| | | |
|--------------|--------------|------------|
| Baldwin | Hassan | Reed |
| Bennet | Heinrich | Rosen |
| Blumenthal | Hickenlooper | Sanders |
| Booker | Hirono | Schatz |
| Brown | Kaine | Schumer |
| Cantwell | Kelly | Shaheen |
| Cardin | King | Sinema |
| Carper | Klobuchar | Smith |
| Casey | Leahy | Stabenow |
| Collins | Lujan | Tester |
| Coons | Manchin | Warner |
| Cortez Masto | Markey | Warnock |
| Duckworth | Menendez | Warren |
| Durbin | Murphy | Whitehouse |
| Feinstein | Ossoff | Wyden |
| Gillibrand | Padilla | |
| Graham | Peters | |

NAYS—43

| | | |
|-----------|------------|------------|
| Barrasso | Grassley | Risch |
| Blackburn | Hagerty | Romney |
| Blunt | Hawley | Rounds |
| Braun | Hoeven | Sasse |
| Burr | Hyde-Smith | Scott (FL) |
| Capito | Johnson | Scott (SC) |
| Cassidy | Kennedy | Shelby |
| Cornyn | Lankford | Sullivan |
| Cotton | Lee | Thune |
| Cramer | Lummis | Tillis |
| Crapo | Marshall | Tuberville |
| Cruz | McConnell | Wicker |
| Daines | Moran | Young |
| Ernst | Paul | |
| Fischer | Portman | |

NOT VOTING—8

| | | |
|---------|-----------|------------|
| Boozman | Murkowski | Toomey |
| Inhofe | Murray | Van Hollen |
| Merkley | Rubio | |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 896, Dara Lindenbaum, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 2027.

Charles E. Schumer, Christopher Murphy, Tina Smith, Robert Menendez, Christopher A. Coons, Michael F. Bennet, Robert P. Casey, Jr., Benjamin L. Cardin, Elizabeth Warren, Tim Kaine, Patty Murray, Jack Reed, Sheldon Whitehouse, Tammy Duckworth, Debbie Stabenow, Edward J. Markey,

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Dara Lindenbaum, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 2027, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Oregon (Mr. MERKLEY), the Senator from Washington (Mrs. MURRAY), and the Senator from Maryland (Mr. VAN HOLLEN), are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. RUBIO), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Arkansas (Mr. BOOZMAN) would have voted "nay."

The yeas and nays resulted—yeas 54, nays 39, as follows:

[Rollcall Vote No. 195 Ex.]

YEAS—54

| | | |
|--------------|--------------|------------|
| Baldwin | Graham | Peters |
| Bennet | Hassan | Portman |
| Blumenthal | Heinrich | Reed |
| Blunt | Hickenlooper | Rosen |
| Booker | Hirono | Rounds |
| Brown | Kaine | Sanders |
| Cantwell | Kelly | Schatz |
| Cardin | King | Schumer |
| Carper | Klobuchar | Shaheen |
| Casey | Leahy | Sinema |
| Collins | Lujan | Smith |
| Coons | Manchin | Stabenow |
| Cornyn | Markey | Tester |
| Cortez Masto | McConnell | Warner |
| Duckworth | Menendez | Warnock |
| Durbin | Murphy | Warren |
| Feinstein | Ossoff | Whitehouse |
| Gillibrand | Padilla | Wyden |

NAYS—39

| | | |
|-----------|------------|------------|
| Barrasso | Grassley | Paul |
| Blackburn | Hagerty | Risch |
| Braun | Hawley | Romney |
| Burr | Hoeven | Sasse |
| Capito | Hyde-Smith | Scott (FL) |
| Cassidy | Inhofe | Scott (SC) |
| Cotton | Johnson | Shelby |
| Cramer | Kennedy | Sullivan |
| Crapo | Lankford | Thune |
| Cruz | Lee | Tillis |
| Daines | Lummis | Tuberville |
| Ernst | Marshall | Wicker |
| Fischer | Moran | Young |

NOT VOTING—7

| | | |
|-----------|--------|------------|
| Boozman | Murray | Van Hollen |
| Merkley | Rubio | |
| Murkowski | Toomey | |

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 39.

The motion is agreed to.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Massachusetts.

ORDER OF PROCEDURE

Mr. MARKEY. Mr. President, I ask unanimous consent that at 6 p.m. today, the Senate vote on confirmation of the Lindenbaum nomination and the cloture motions on the Padin, Sweeney, and Morrison nominations; and that if cloture is invoked on any of those nominations, all postcloture time be considered expired and the Senate vote on confirmation of the nominations at a time to be determined by the majority leader or his designee, following consultation with the Republican leader.